

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DIVISION

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2017 JUL -5 P 3:46

DEPUTY CLERK MA

CHRISTOPHER BURTON B.N.O-16027515

Plaintiff's name and ID Number

DALLAS COUNTY JAIL

Place of Confinement

CASE NO. **3-17CV1759-G**
(Clerk will assign the number)

v.

FRISCO POLICE DEPARTMENT, 7200 STONE BROOK PRKWY, FRISCO TX. 75034
Defendant's name and address

COLLIN COUNTY JAIL, 4300 COMMUNITY AVE., MCKINNEY TX. 75071
Defendant's name and address

COLLIN COUNTY DISTRICT ATTORNEY, 2100 BLOOMDALE RD., MCKINNEY TX. 75071
Defendant's name and address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$150.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$150 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? YES ☐ NO ☒
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: _____
2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
3. Court: (If federal, name the district; if state, name the county.) _____
4. Docket Number: _____
5. Name of judge to whom case was assigned: _____
6. Disposition: (Was the case dismissed, appealed, still pending?) _____
7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: DALLAS COUNTY JAIL

III. EXHAUSTION OF GRIEVANCE PROCEDURES: N/A

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: CHRISTOPHER BURTON

236 SPRING CREEK

LUCKIN TX. 75904

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: FRISCO POLICE DEPARTMENT

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

I WAS ILLEGALLY DETAINED, ARRESTED AND IMPRISONED.

E.G. FALSE ARREST, FALSE IMPRISONMENT

Defendant #2: COLLIN COUNTY JAIL

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

I WAS ASSAULTED WHILE IN PROTECTIVE CUSTODY AFTER A FALSE ARREST.

Defendant #3: COLLIN COUNTY DISTRICT ATTORNEY

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

MALICIOUS PROSECUTION. AFTER THE DA VIEWED A DASH CAM VIDEO WITH EXCULPATORY EVIDENCE THEY STILL PERSUED LEGAL ACTION

Defendant #4: AGAINST ME INSTEAD OF DROPPING THE CHARGES.

WITH EXCULPATORY EVIDENCE SHOWING ME NOT IN POSSESSION OF A FIREARM. THEY STILL CHARGED ME WITH FELONY "ATTEMPTED" POSSESSION.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

(i) MY STEPMOTHER DEBRA TAYLOR BURTON CALLED 911 IN JUNE OF 2013 AND SAID, "I WAS PARANOID AND DELUSIONAL WITH PSYCHOSIS AND THOUGHT THE ARYAN BROTHERHOOD WAS FOLLOWING ME AND I MIGHT HAVE A GUN." MRS TAYLOR WAS HOSPITALIZED IN 1995 AT PINELANDS HOSPITAL IN NACOGDOCHES TX. SHE WAS DIAGNOSED WITH HYPO MANIC DEPRESSION. I BELIEVE HER 911 CALL WAS DUE TO A MANIC EPISODE. WHEN FRISCO PD ARRIVED I WAS IMMEDIATELY DETAINED BASED ON A 911 CALL. I WAS NOT COMMITTING ANY CRIME AT THE TIME. THE OFFICER STARTED PATTING ME DOWN AND ASKING ME WHERE THE KEY TO A TRUCK WAS AT. I SAID "I DON'T KNOW WHAT YOU ARE TALKING ABOUT." I WOULD HAVE EXPLAINED MRS BURTON'S MENTAL ILLNESS BUT FRISCO PD ASKED ME NO QUESTIONS.

VI.

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

MONEY DAMAGES AS WELL AS MY RECORD IN THIS MATTER BEING EXPUNGED. INCLUDING THE 911 CALL MADE BY A MENTALLY ILL PERSON.

II. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

CHRISTOPHER SCOTT BURTON

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

N/A

II. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

V. STATEMENT OF CLAIM CONT'D.

THE DASH CAM VIDEO PROVES THAT I WAS NOT IN A VEHICLE OR HAVE POSSESSION OF THE KEY TO A VEHICLE THAT THE FRISCO PD SEARCHED.

I WAS ARRESTED AND CHARGED WITH POSSESSION OF A FIREARM AND POSSESSING A STOLEN FIREARM THAT THEY FOUND IN A VEHICLE I WAS NOT IN AND A VEHICLE THAT WAS NOT REGISTERED TO ME.

2) I WAS TAKEN TO COLLIN COUNTY JAIL AND PUT IN THE INFIRMARY. I WAS ASSAULTED BY A COLLIN COUNTY JAILER WHILE IN PROTECTIVE CUSTODY DUE TO A FALSE ARREST. THERE WAS A VIDEO CAMERA RIGHT ABOVE ME SO I BELIEVE THE ASSAULT MAY BE ON CAMERA. THIS OCCURRED RIGHT IN FRONT OF THE NURSE STATION IN JUNE 2013. THE JAILER FILED A REPORT SAYING I ASSAULTED HIM. THAT IS A LIE. SLANDER, LIBEL, DEFAMATION.

3) I DID NOT THINK I WOULD BE INDICTED DUE TO EXCULPATORY EVIDENCE, HOWEVER IN 2016 I WAS INDICTED ON FELONY IN POSSESSION OF A FIREARM CHARGES. I BELIEVE THIS IS MALICIOUS PROSECUTION. MY ATTORNEY TOLD ME SHE HAD A COPY OF THE DASH CAM VIDEO. SHE SAID IT SHOWS ME NOT IN THE VEHICLE OR IN POSSESSION OF THE KEY TO A LOCKED VEHICLE THAT WAS SEARCHED. ILLEGAL SEARCH AND SEIZURE. SHE ALSO SAID MY FINGERPRINT WERE NOT ON THE GUN OR ON ANY OF THE BULLETS IN THE GUN. I HAD PROBLEMS WITH MY FIRST ATTORNEY

SO I FIRED HER. SHE REFUSED TO GIVE ME MY DISCOVERY PACK IN TOTAL DISREGARD OF THE MICHAEL MORTON ACT OF DECEMBER 2013. SHE SAID IT WAS "AGAINST THE LAW FOR HER TO GIVE IT TO ME."

I WAS APPOINTED A NEW ATTORNEY IN THE CASE. BECAUSE OF EXCULPATORY EVIDENCE, A DASH CAM VIDEO, I ASKED HIM TO SET A TRIAL DATE AT THIS TIME HE INFORMED ME THE DASH CAM VIDEO HAD BEEN LOST. (POSSIBLE CONSPIRACY BETWEEN DA'S OFFICE AND PUBLIC DEFENDERS IN COLLIN COUNTY). MY FIRST ATTORNEY CONVENIENTLY "LOST" EXCULPATORY EVIDENCE AND MY NEW ATTORNEY SAID THE D.A. DIDN'T HAVE A COPY EITHER. UPON INVESTIGATION I BELIEVE THAT WOULD BE PROVEN TO NOT BE TRUE. AFTER THE EXCULPATORY EVIDENCE VANISHED I WAS ADVISED TO SIGN A PLEA BARGAIN. THE PLEA WAS ATTEMPTED POSSESSION OF A FIREARM. I DON'T BELIEVE THAT'S EVEN A REAL CRIME. HOW CAN YOU PROVE INTENT TO ATTEMPT ANYTHING LIKE THAT. INSTEAD OF DROPPING THE CHARGES AFTER VIEWING AND THEN LOSING EXCULPATORY EVIDENCE I WAS A "VICTIM" OF MALICIOUS PROSECUTION.

- THE FACT THE CHARGES WERE CHANGED FROM FELONY IN POSSESSION OF A FIREARM TO ATTEMPTED POSSESSION PROVES FALSE ARREST. BECAUSE EXCULPATORY EVIDENCE WAS PRESENT. A WRONG IN ITSELF. MALUM IN SE!

7) I WAS ALSO DENIED ACCESS TO A LAW LIBRARY WHILE IN COLLIN COUNTY JAIL. I BELIEVE THIS IN ITSELF IS ILLEGAL. I HAVE DOCUMENTATION TO PROVE THIS. I WAS TOLD I COULD ONLY GO TO THE LAW LIBRARY IF I HAD A PENDING LAW SUIT. I WAS DENIED ACCESS TO THE COURTS TO PERSUE CIVIL ACTION ~~FEDERAL PROB (BANK) LEGAL ACTIVITIES AND~~ ~~MATTERS~~ FROM JAN. 19TH 2014 UNTIL JAN. 2017 - REQUIRED MAIN LAW LIBRARY MATERIALS WERE UN-AVAILABLE TO ME UNTIL I GOT TO DALLAS COUNTY JAIL I WAS SENT TO GREEN OAKS HOSPITAL BECAUSE A MENTALLY ILL PERSON CALLED 911. I HAD A COURT DATE IN COLLIN COUNTY MENTAL COURT OFF OF VIRGINIA PARKWAY. DURING THE COURT APPEAR-ANCE I WAS QUESTIONED ABOUT MY CHARGES. I WAS NOT GIVEN OR READ MY MIRANDA RIGHTS. ONE OF THE PEOPLE PRESENT DURING THIS PRO-CESS WAS AN ASSISTANT DISTRICT ATTORNEY WHO WAS APPOINTED TO MY CASE. THIS WAS A VIOL-ATION OF MY MIRANDA RIGHTS. COLLIN COUNTY IS CORRUPT AND NEEDS TO BE INVESTIGATED BY THE U.S ATTORNEY GENERAL OR THE DEPART-MENT OF JUSTICE.

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date warnings were imposed: _____

Executed on: 6-30-17
DATE

CHRISTOPHER SCOTT BURTON
Christopher Scott Burton
(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

igned this 30TH day of JUNE, 2017.
(Day) (month) (year)

CHRISTOPHER SCOTT BURTON
Christopher Scott Burton
(Signature of plaintiff)

ARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in sponse to the following questions will result in the imposition of sanctions. The sanctions the Court may pose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

JUDICIAL DISTRICT COURT

COUNTY OF DALLAS

No. _____

STATE OF TEXAS

STATE OF TEXAS

-vs-

CHRISTOPHER BURTON

MOTION FOR FREE PROCESS

Now Comes the Defendant, CHRISTOPHER BURTON, and respectfully moves this Court for an Order granting free process in this cause such as to allow the defendant, to maintain this action to its conclusion without prepayment of fees or costs. This motion is based on the attached forma paupus affidavit.

Date: 6-30-17

Respectfully Submitted,

Christopher Burton
Defendant

JUDICIAL DISTRICT COURT

COUNTY OF

No. _____

STATE OF

~~STATE OF TEXAS~~

STATE OF ~~TEXAS~~ TEXAS

~~STATE OF TEXAS~~

-VS-

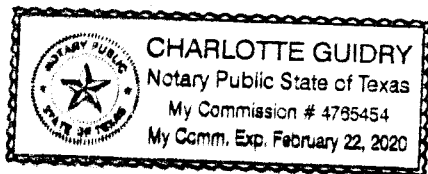
AFFIDAVIT

I, CHRISTOPHER BURTON, being first duly sworn, depose and say:

I do not have sufficient funds to pay the costs and fees for filing and maintaining this action except for the amount of personal funds as evidenced by the attached prisoner's personal account ledger.

Christopher S. Burton
Defendant

SUBSCRIBED AND SWORN to before me this 28 day of April,
20 17

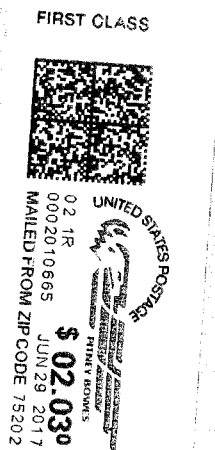
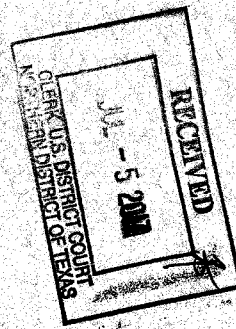
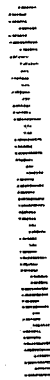


Charlotte Guidry
NOTARY PUBLIC

My Commission Expires:

February 22, 2020

CHRISTOPHER BURTON
DALLAS COUNTY JAIL
PO Box 660334
DALLAS TX. 75266-0334



Inmate Prog
532.9104

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
NORTHERN DISTRICT OF TEXAS
1100 Commerce - Room 1452
DALLAS TX. 75242-1495